

\*\*\*NOT FOR PRINTED PUBLICATION\*\*\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JOHN R. RADKOWSKI, III,

*Plaintiff,*

V.

BANK OF AMERICA, N.A.,

*Defendant.*

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CASE NO. 4:13cv305

Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 16, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss [Doc. #7] be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss [Doc. #7] is DENIED, with the exception of Plaintiff's claim for violation of the DTPA, which is DISMISSED.

So **ORDERED** and **SIGNED** this 18 day of **October, 2013**.



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Ron Clark, United States District Judge